

patentability under this section where the subject matter and the claimed invention were, at the time the invention was made . . . subject to an obligation of assignment to the same person" or entity. Since both the instant application and Volk et al. are commonly owned by the same entity, i.e., Microsoft Corporation, Volk et al. cannot be used as prior art in any rejection of the instant application pursuant to 35 U.S.C. § 103. Therefore, the rejection of claims 40-48 based on Volk et al. has been rendered moot. Applicants' filing of a CPA does not constitute an admission as to the propriety of the 35 U.S.C. § 103 rejection, but instead has been done to expedite prosecution.

CONCLUSION

The only rejection having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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